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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,481	11/25/2003	Robert P. Arentsen	ITTD-BG101US	5984
23122	7590	03/14/2006	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			PRICE, CRAIG JAMES	
			ART UNIT	PAPER NUMBER
			3753	
DATE MAILED: 03/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,481

Applicant(s)

ARENTSEN ET AL.

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003 and 1 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-21 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 6-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/25/03 6/25/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 14-21 are drawn to the ball valve with the rotatable flange, classified in class 251, subclass 315.16.
 - II. Claims 6-13 are drawn to the ball valve with the internal check valve, classified in class 137, subclass 614.2.

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the details of the subcombination, as recited in claim 1, are not required for patentability in the combination, as recited in claim 14. The subcombination has separate utility such as a check valve.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Claim 9, contains the broadly claimed limitation of a ball valve.

2. During a telephone conversation with Mr. Robert Seitter on 9 March 2006 a provisional election was made with traverse to prosecute the invention of Group I, claims 14-21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14-17, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rocheleau (2002/0162986).

Regarding claims 14 and 19, Rocheleau discloses a quarter turn ball valve (8) including a valve housing (10) having inlet and outlet ports, an insert (16)

including, a substantially straight body and an axial flow channel coupled to one of the ports in the housing (Col.3, Lns. 12-14) and a lip formed on its free end, and a flange (28) snugly, but rotatably (Col. 3,Lns.12-22) carried on the insert, the flange having a circular hole, the diameter of the hole being greater than that of the insert body and less than that of the valve housing, the flange further having openings for receiving fasteners that secure the assembly in a fluid system (Col. 3,Lns 8-10).

Regarding claim 15,Rocheleau discloses that the quarter turn ball valve includes a valve stem coupled to a handle and stop that limit the rotation of the valve stem (Col. 3, Lns. 41-46).

Regarding claim 16,Rocheleau discloses that the includes a skirt (42) formed on the handle and shoulders (44) formed on the valve housing that cooperate with the skirt to limit rotation of the valve stem, as shown in Figures 3 and 6.

Regarding claim 17,Rocheleau discloses that the insert is formed of brass (Col.3, Lns. 12-14).

Regarding claim 21,Rocheleau discloses that the insert (16) and the valve body (10) are formed of the same material (para.0016).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rocheleau in view of Angel (4,549,576).

Rocheleau has disclosed all of the features of the claimed limitations of the invention including that the flange is stamped (Col. 2, Lns. 7-9), except that the flange is chrome plated steel. Angel teaches the use of a chrome plated steel flange (15, and the steel designated by the Parker 60 series Nipple, stock no. H1-63, as shown in the Progressive Hydraulics, Inc. web sheet dated 1999) used in a valve (10) as shown in Figure 1 (Col.1, Lns. 50-54).

In view of the Angel patent, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the chrome plated steel of Angel onto the flange of Rocheleau in order to provide resistance to corrosion and have a smooth finish to be readily cleaned and polished and attractive in appearance (Col.1, Lns.50-54).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rocheleau in view of Langan (5,819,780).

Rocheleau has disclosed all of the features of the claimed limitations of the invention including that each of the insert and valve body is formed with threads to couple the insert to the valve body (Col. 3, Lns.12-14) and wherein the end of the flow channel adjacent the lip is formed with an interior section to accommodate a tool (such as a tool as an internal collet) for coupling the insert to the valve body as shown in Figure 6.

Rocheleau lacks that the insert is formed with a polygonal interior section. Langan teaches the use of a polygonal interior section (46) used in a check valve as shown in Figures 5 and 6.

In view of the Langan patent, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the polygonal interior section of Langan onto the interior section of Rocheleau to have an insert with an interior polygonal section to accommodate a toll for coupling the insert into the valve body in order to calibrate the screw within the hole of the rod (Col. 2, Lns. 14-16).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yeh (5,042,529), Massey (3,722,855), Keller III (3,241,810), Carman (4,770,388) all disclose similar valves.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 8AM - 5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CP



10 March 2006



Eric Keasel
Primary Examiner
Art Unit 3754